

REMARKS

Claims 1-5, 7, and 9-13 are pending in this application. By this Amendment, claims 1-5 and 13 are amended, and claims 6 and 8 are canceled. Support for the amendments to the claims may be found, for example, in the specification at paragraphs [0020], [0038], [0093], [0094] and [0100], and the examples. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. 35 U.S.C. §102(a) Rejection

The Office Action rejects claims 1 and 3-13 under 35 U.S.C. §102(a) as anticipated by JP 2002-081328 to Uenishi ("Uenishi"). By this Amendment, claims 6 and 8 are canceled, rendering their rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP §2131.

Without conceding the propriety of the rejections, claims 1, 4, and 13 are amended to more clearly recite various novel features of the claimed invention, with particular attention to the Examiner's comments. Specifically, each of claims 1, 4, and 13 are amended to clarify that the porous underlayer coating is "occupied by pores of 5 to 80% at a rate of volume on a semiconductor substrate." Despite its asserted disclosures, Uenishi fails to expressly or inherently describe such a feature.

Uenishi does not teach or suggest an "underlayer coating occupied by pores of 5 to 80% at a rate of volume" as recited in the present claims. Therefore, claims 1, 4, and 13 are not anticipated by Uenishi. Claims 3, 5, 7, and 9-12 variously depend from claims 1 and 4,

and, thus, also would not have been anticipated by Uenishi. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. 35 U.S.C. §103 Rejection

The Office Action rejects claim 2 under 35 U.S.C. §103(a) as unpatentable over Uenishi in view of U.S. Patent Application Publication No. 2002/0172896 to Adams et al. ("Adams"). Applicants respectfully traverse the rejection.

As discussed above, Uenishi does not disclose each and every feature of claim 1. Adams fails to cure the deficiencies of Uenishi. Therefore, Uenishi and Adams, considered separately or combined, fail to teach or suggest each and every feature of claim 1.

Claim 1 would not have been rendered obvious by Uenishi and Adams. Claim 2 depends from claim 1 and, thus, also would not have been rendered obvious by Uenishi and Adams. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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